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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,142	12/23/2003	Per H. Hammarlund	2207/17413	7461

23838 7590 04/26/2006

KENYON & KENYON LLP  
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WASHINGTON, DC 20005

EXAMINER
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MOAZZAMI, NASSER G

ART UNIT	PAPER NUMBER
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2187

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/743,142	HAMMARLUND ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nasser G. Moazzami	2187	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is in response to applicant's communication dated 03/27/2006 with the following results.
2. No claims has been amended, added, or canceled. Therefore, claims 1-18 remain pending in this application.

### ***Response to Arguments***

3. Applicant's arguments filed 03/27/2006 have been fully considered but they are not persuasive. Applicant's main points are:
  - (a). Associating the instruction with the cache misses.
  - (b). The access requests in Favor are not instructions as being claimed.

Firstly, MPEP states that "CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION " see MPEP 2111 [R-1].

As in regard to point (a) it is clear that Favor teaches when there is a cache miss, the cache miss is stored in a retry queue to be retried when the data is ready, accordingly, it is inherently the association has to be there for the access request to be retried after the data has been retrieved.

As in regard to point (b), access requests in Favor are nothing but read instruction and write instruction.

Therefore, the rejection of the claims deemed to be proper.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Favor (US Patent No. 6,732,236).

As per claims 1-4, Favor discloses a method comprising: executing a first instruction in a processor; if the execution of the first instruction generates a cache miss, associating the first instruction with the cache miss; enqueueing the first instruction for re-execution; and after the cache miss with which the first instruction is associated is serviced, re-executing the first instruction, the method further comprising associating the cache miss with a second instruction dependent on the first instruction, assigning an identifier to the cache miss and determining a priority of the instruction **[an access request involved in a cache miss, storing the cache miss in a retry queue while the cache fill is pending, detecting the return of the cache fill and inserting the access request associated with the cache miss for processing (column 1, lines 53-59); in the case of cache miss, the access request is transmitted to retrieve the requested data back to the cache (column 2, lines 32-35); if the address lookup determines that no matching is found indicating a cache miss, then the address**

lookup forward a cache fill request to the cache request queue (column 3, lines 23-26); the address tag is a seven bits and identifies the retry request queue (RRQ) entry with its associated cache line (column 4, lines 6-14); RRQ control logic compares the seven bit address tag to the entries located in the RRQ and changes the retry bit from ineligible to eligible for matching entries so the eligible retry can be inserted into arbitration module (column 4, lines 40-60)].

As per claims 5-18, claims 5-18 encompass the same scope of the invention as those of claims 1-4 in addition of a processor and a system having means for performing the method of claims 1-4. Therefore, claims 5-18 are rejected for the same reasons as stated above with respect to claims 1-4.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

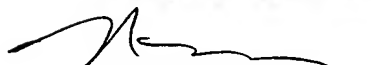
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser G. Moazzami whose telephone number is (571) 272-4195. The examiner can normally be reached on 7:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**NASSER MOAZZAMI**  
**PRIMARY EXAMINER**



04/24/2006